

CAUSE NO. DC-17-14892

<b>RICHARD STANEK</b>	§	<b>IN THE 162nd</b>
<i>Plaintiff.</i>	§	
	§	
<b>v.</b>	§	
<b>JOHN GUANDOLO and SAINT GEORGE'S</b>	§	<b>DISTRICT COURT OF</b>
<b>ALLIES INC. d/b/a UNDERSTANDING</b>	§	
<b>THE THREAT</b>	§	
<i>Defendants.</i>	§	<b>DALLAS COUNTY, TEXAS</b>

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**PLAINTIFF'S SECOND AMENDED ORIGINAL PETITION, GENERAL DENIAL, AND  
AFFIRMATIVE DEFENSES TO DEFENDANTS' ORIGINAL COUNTERCLAIMS**

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**I.**  
**NATURE OF THE CASE**

- 1.1 Plaintiff, Richard Stanek, is a 30+ year law enforcement veteran and the Sheriff of Hennepin County, Minnesota (the greater Minneapolis area). Sheriff Stanek has been lauded for his efforts in community policing, which includes his work to engage the Muslim community in the greater Minneapolis area.
- 1.2 Guandolo is the Founder and President of UTT, which, among other things, he markets as a counter-terrorism consulting firm to profit from instilling anti-Muslim bigotry in law enforcement agents.
- 1.3 UTT is an anti-Muslim hate group.<sup>1</sup>
- 1.4 Guandolo, a resident of Dallas County, operates UTT out of Dallas and Travis Counties (Texas).
- 1.5 Guandolo and UTT regularly make false, outlandish, and controversial accusations against law enforcement officers (and others) to advance their cause of spreading anti-Muslim hate.

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<sup>1</sup> Exhibit 1, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/anti-muslim>.

- 1.6 In preparation of speaking at a National Sheriff's Association ("NSA") meeting in June 2017, Guandolo distributed discriminatory, anti-Muslim literature, which was inappropriate for a law enforcement event.
- 1.7 Sheriff Stanek, an Executive Board member of the NSA, was also an attendee of and presenter at the NSA meeting.
- 1.8 Sheriff Stanek had concerns regarding the legitimacy of UTT's message/content and communicated his concerns to the NSA's leadership.
- 1.9 Some NSA leadership member/s told Guandolo about this.
- 1.10 On (or about) June 28, 2017, Guandolo approached Plaintiff, poked him in the chest, and said, "I know you." Guandolo, acting in his capacity as President of UTT, requested a meeting with Sheriff Stanek. Stanek agreed.
- 1.11 Guandolo met with Sheriff Stanek later that day.
- 1.12 After Sheriff Stanek ended the meeting and got up to leave, Guandolo assaulted him by violently shoving him and punching him in the face. Sheriff Stanek was unable to escape from Guandolo until others intervened on his behalf.
- 1.13 This assault was physically painful for Sheriff Stanek and aggravated/exacerbated Sheriff Stanek's prior injuries and/or caused him significant bodily injury. As a result of this assault, Sheriff Stanek incurred significant medical expenses and, to date, has not fully recovered.
- 1.14 Guandolo was malicious in assaulting Sheriff Stanek.
- 1.15 Guandolo intended to and did cause substantial injury and harm.

#### **Count 1 – Assault**

- 1.16 Sheriff Stanek incorporates all allegations above, as if set forth herein.

- 1.17 Guandolo, acting in his capacity as Founder and President of UTT, intended to instill in Sheriff Stanek a reasonable apprehension of immediate bodily harm.
- 1.18 Guandolo's acts of confronting, pushing, and punching Sheriff Stanek caused such apprehension.

### **Count 2 – Assault by Offensive Contact**

- 1.19 Sheriff Stanek incorporates all allegations above, as if set forth herein.
- 1.20 In addition to the other counts, Guandolo's conduct, while acting in his official capacity as Founder and President of UTT, also created offensive physical contact with Sheriff Stanek's person.
- 1.21 Guandolo made such physical contact intentionally and/or knowingly.
- 1.22 Guandolo knew or reasonably should have believed that Plaintiff would regard the physical contact as offensive.

### **Count 3 – Battery**

- 1.23 Sheriff Stanek incorporates all allegations above, as if set forth herein.
- 1.24 Guandolo, acting in his capacity as Founder and President of UTT, intentionally, knowingly, recklessly, and/or maliciously intended to make physical contact with Sheriff Stanek's person.
- 1.25 Guandolo contacted Sheriff Stanek's person using his body, including but not limited to, his hands, fists, and arms.
- 1.26 Guandolo's actions caused Sheriff Stanek injuries and damages.

### **Count 4 – Intentional Infliction of Emotional Distress**

- 1.27 Sheriff Stanek incorporates all allegations above, as if set forth herein.

1.28 Guandolo, acting in his capacity as Founder and President of UTT, intentionally and/or recklessly behaved/acted in an extreme and outrageous manner.

1.29 Guandolo's actions caused Sheriff Stanek severe emotional distress.

**Count 4 – *Respondeat Superior***

1.30 Sheriff incorporates all allegations above, as if set forth herein.

1.31 During the times made the basis of this lawsuit, Guandolo was the sole owner and an employee of UTT acting within his general authority, in furtherance of UTT's business, and was working to accomplish an objective for which he was employed.

1.32 As a result, UTT is vicariously liable for Guandolo's actions.

**II.**

**PARTIES AND DISCOVERY CONTROL PLAN**

2.1 Sheriff Stanek intends to conduct discovery under Level 2 of Rule 190.3 of the Texas Rules of Civil Procedure.

2.2 Sheriff Stanek seeks monetary relief over \$1,000,000.

2.3 Sheriff Stanek seeks damages within the jurisdictional limits of the court.

2.4 Sheriff Stanek is an individual residing in Hennepin County, Minnesota.

2.5 Defendant, John Guandolo, is an individual residing in Dallas County, Texas. He was duly served and has appeared in this lawsuit.

2.6 Defendant, Saint George's Allies Inc. d/b/a Understanding the Threat ("UTT"), is a Texas corporation with its principal place of business at 2825 Oak Lawn Avenue, No. 190772, Dallas, Texas 75219. UTT was duly served and has appeared in this lawsuit.

**III.**

### **VENUE**

- 3.1 Venue is proper in Dallas County, Texas because it was the county of Defendant Guandolo's residence at the time these causes of action accrued.
- 3.2 Venue is also proper in Dallas County, Texas because it is the county of Defendant, UTT's principal office, and UTT is a domestic corporation.

### **IV.**

#### **GENERAL DENIAL OF DEFENDANTS' ORIGINAL COUNTERCLAIMS**

- 4.1 Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Plaintiff denies each and every allegation asserted in Defendants' asserted Original Counterclaims and demand strict proof thereof in accordance with the burden of proof and legal standards applicable to each claim and request for relief.

### **V.**

#### **AFFIRMATIVE DEFENSES TO DEFENDANTS' ORIGINAL COUNTERCLAIMS**

- 5.1 Defendants' counterclaims fail because the Original Counterclaims does not state a claim upon which relief can be granted.
- 5.2 Defendants' counterclaims are barred by the doctrine of comparative fault.
- 5.3 Defendants' claims are barred by the doctrine of contributory fault.
- 5.4 Defendants' claims are barred by the doctrine of assumption of the risk.
- 5.5 Defendants' claims are barred by the doctrine of justification.
- 5.6 Defendants' claims are barred by the doctrine of estoppel.
- 5.7 Defendants' claims are barred by the doctrine of self-defense.
- 5.8 Defendants' claims are barred by the doctrine of laches.
- 5.9 Defendants' claims are barred by the doctrine of unclean hands.

- 5.10 Defendants' claims are barred because of their failure to mitigate their damages, if any.
- 5.11 Defendants' claims are barred by the doctrine of avoidable consequences.
- 5.12 Defendants have failed to properly plead a request for exemplary or punitive damages.
- 5.13 Plaintiff is not liable to Defendants because Plaintiff is immune from liability under the doctrine of official immunity.
- 5.14 Plaintiff is not liable to Defendants because Defendants have released some or all of their claims.
- 5.15 Plaintiff is not liable to Defendants because Defendants have waived their right to pursue some or all of their claims.
- 5.16 Plaintiff is not liable to Defendants because Plaintiff's actions were performed in accordance with his First Amendment rights to Free Speech.
- 5.17 Plaintiff is not liable to Defendants because Plaintiff's statements are and were true.
- 5.18 Plaintiff is not liable to Defendants because Plaintiff's actions were performed in accordance with his right of association.
- 5.19 Plaintiff is not liable to Defendants because Defendants injuries/damages, if any, occurred while Defendants were committing or attempting to commit a felony or other criminal act.
- 5.20 Plaintiff is entitled to all damage limitations permitted by law.
- 5.21 Plaintiff reserves the right to amend and/or supplement these affirmative defenses as necessary and additional facts are made known.

**VI.**  
**SPECIAL EXCEPTION**

- 6.1 Plaintiff specially excepts to Defendants' Original Counterclaims pursuant to TEX. R. CIV. P. 47.

**VII.**  
**DAMAGES**

- 7.1 As a result of Defendants' conduct, as described above, Sheriff Stanek has suffered actual damages, which include, but are not limited, to the following:
- a. Medical expenses
  - b. Mental Anguish
  - c. Pain and Suffering
  - d. Physical Disfigurement
- 7.2 Because Defendants acted with malice and/or gross negligence, Sheriff Stanek is also entitled to exemplary/punitive damages.
- 7.3 Sheriff Stanek is further entitled to pre- and post-judgment interest at the maximum rate allowed by law.
- 7.4 Sheriff Stanek is further entitled to court costs.

**VII.**  
**CONDITIONS PRECEDENT**

- 8.1 All conditions precedent to the maintenance of each of the Plaintiff's causes of action described above have occurred, been met, been waived, or otherwise satisfied.

**IX.**  
**RULE 193.7 NOTICE**

- 9.1 Sheriff Stanek intends to use all documents produced by Defendants in this lawsuit at trial.

**X.**

**JURY DEMAND**

10.1 Plaintiff requests a trial by jury and has previously paid the required jury fee.

**RELIEF REQUESTED**

For the reasons above, Sheriff Stanek respectfully requests all relief sought herein, including, but not limited to, costs of court. Sheriff Stanek further seeks all other relief to which he is entitled.

Respectfully submitted,

WATERS & KRAUS, LLP



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ATTORNEYS FOR PLAINTIFFS



## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was served on all counsel of record via File & Serve Texas on the 29<sup>th</sup> day of May, 2019.

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A handwritten signature in blue ink, appearing to read 'C. L. Johnson', is written over a horizontal line.

Christopher L. Johnson, Esq.



## ANTI-MUSLIM

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Anti-Muslim hate groups are a relatively new phenomenon in the United States, with many appearing in the aftermath of the World Trade Center terrorist attacks on Sept. 11, 2001. Beginning in 2010, anti-Muslim legislation increased and opposition to the development of an Islamic Center in lower Manhattan made headlines.

### Top Takeaways

Anti-Muslim groups remain a force in the U.S. with Donald Trump and important administration members as allies in the White House. The total number of anti-Muslim hate group chapters dropped from 114 in 2017 to 100 in 2018. ACT for America, the largest anti-Muslim organization in the country, held a national “March Against Sharia” in 2017, which led to an increase in ACT chapters that year. ACT didn’t hold that event this year — and without the large-scale rally, which galvanized the group’s chapter network and served as a recruiting tool, some groups remained dormant or dropped off in 2018. But this slight decline masks the movement’s growing power.

### Key Moments

Trump continues to appoint staff with connections to anti-Muslim groups. Mike Pompeo was confirmed as secretary of state in April 2018 despite his connections to anti-Muslim figures like Frank Gaffney and Brigitte Gabriel. That same month Trump tapped John Bolton to be his national security adviser. A month later, Bolton hired Fred Fleitz of the anti-Muslim hate group Center for Security Policy (CSP) as his chief of staff. Fleitz left that role in October to return to CSP as the group’s president, replacing founder Frank Gaffney, who moved to an executive chairman position. The anti-Muslim movement also continues to see policy success. In June 2018, the U.S. Supreme Court upheld the Trump administration’s Muslim travel ban, delighting anti-Muslim hate groups. Trump originally relied on shoddy polling commissioned by CSP to justify the ban. The anti-Muslim hate group American Freedom Law Center authored an amicus brief in support of the ban, claiming the country is at war with “the kinetic militancy of jihadists, and the cultural challenge of anti-Western, anti-constitutional Islamic law and mores.” Anti-Muslim groups were also active at the state and local level, with representatives from anti-Muslim hate groups continuing to push harmful anti-Sharia law bills.

## What's Ahead

In 2018, anti-Muslim sentiment took root in the political policies of the U.S., a trend that should only intensify in 2019. With Mike Pompeo at the helm of the U.S. State Department, anti-Muslim groups are hopeful there is a chance the Muslim Brotherhood will be designated as a foreign terrorist organization. Civil rights lawyer and activist Arjun Sethi notes, that such a development would likely result in “intimidation, harassment and smears of Muslim and Arab groups here in the United States.”

## Background

All anti-Muslim [hate groups](#) exhibit extreme hostility toward Muslims. The organizations portray those who worship Islam as fundamentally alien and attribute to its followers an inherent set of negative traits. Muslims are depicted as irrational, intolerant and violent, and their faith is frequently depicted as sanctioning pedophilia, coupled with intolerance for homosexuals and women.

These groups also typically hold conspiratorial views regarding the inherent danger to America posed by its Muslim-American community. Muslims are viewed as a fifth column intent on undermining and eventually replacing American democracy and Western civilization with Islamic despotism, a conspiracy theory known as “civilization jihad.” Anti-Muslim hate groups allege that Muslims are trying to subvert the rule of law by imposing on Americans their own Islamic legal system, Shariah law. The threat of the Muslim Brotherhood is also cited, with anti-Muslim groups constantly attacking Muslim civil rights groups and American Muslim leaders for their supposed connections to the Brotherhood. Many of these groups have pushed for the Brotherhood to be designated a foreign terrorist organization.

Anti-Muslim hate groups also broadly defame Islam, which they tend to treat as a monolithic and evil religion. These groups generally hold that Islam has no values in common with other cultures, is inferior to the West and is a violent political ideology rather than a religion.

In recent years, the most influential groups — namely [ACT for America](#) and the think tank [Center for Security Policy](#) (CSP) — have sought to develop closer relationships with elected officials both at the state and local level. A shift in targets has also taken place recently with the Syrian refugee crisis, as anti-Muslim groups have increasingly directed their ire toward the American refugee program. Refugees are commonly depicted as potential terrorist infiltrators by these organizations. Small anti-refugee groups have popped up across the country and fought the relocation of refugees at the hyper-local level.

## 2018 anti-Muslim hate groups

*View all groups by [state](#) and by [ideology](#).*

*\*Asterisk denotes headquarters.*

[ACT for America](#) (Austin, Texas)

[ACT for America](#) (Baton Rouge, Louisiana)

[ACT for America](#) (Bear, Delaware)

[ACT for America](#) (Boston, Massachusetts)

[ACT for America](#) (Cape Cod, Massachusetts)

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[ACT for America](#) (Statewide, Connecticut)  
[ACT for America](#) (Terre Haute, Indiana)

ACT for America (Tucson, Arizona)  
ACT for America (Upland, California)  
ACT for America (Virginia Beach, Virginia)  
ACT for America (Washington, District of Columbia)  
ACT for America (Whitehall, Montana)  
American Freedom Alliance (Los Angeles, California)  
American Freedom Defense Initiative (New York, New York)  
American Freedom Law Center (Ann Arbor, Michigan)  
American Public Policy Alliance (Washington, District of Columbia)  
Bomb Islam (Phoenix, Arizona)  
Bureau on American Islamic Relations (Irving, Texas)  
Center for Security Policy (Washington, District of Columbia)  
Christian Action Network (Forest, Virginia)  
Citizens for National Security (Boca Raton, Florida)  
Citizens for the St. Croix Valley (Hudson, Wisconsin)  
Citizens' Action Group of South Florida (Hollywood, Florida)  
Clarion Project (Washington, District of Columbia)  
Counter Jihad Coalition (Santa Monica, California)  
Cultures In Context Incorporated/Turning Point Project (Immokalee, Florida)  
David Horowitz Freedom Center (Los Angeles, California)  
Faith Leaders for America (Washington, District of Columbia)  
Family Security Matters (Washington, District of Columbia)  
Florida Family Association (Tampa, Florida)  
Fortress of Faith (Bellingham, Washington)  
Foundation for Advocating Christian Truth (Bronx, New York)  
G416 Patriots (Boerne, Texas)  
G416 Patriots (Meridian, Idaho)  
Glasov Gang Productions (Los Angeles, California)  
Global Faith Institute (Omaha, Nebraska)  
Jihad Watch (Sherman Oaks, California)  
Keep South Dakota Safe PAC (Aberdeen, South Dakota)  
Last Chance Patriots (Dayton, Montana)  
North Carolina Pastors Network (Morganton, North Carolina)  
Political Islam (Nashville, Tennessee)  
Proclaiming Justice to the Nations (Franklin, Tennessee)  
Radio Jihad/Global Patriot Radio (Statewide, New York)

Refugee Resettlement Watch (Fairplay, Maryland)  
 Sharia Crime Stoppers (Mount Clemens, Michigan)  
 Soldiers of Odin (Denver, Colorado)  
 Soldiers of Odin (Statewide, California)  
 Soldiers of Odin (Statewide, Florida)  
 Soldiers of Odin (Statewide, Illinois)  
 Soldiers of Odin (Statewide, Indiana)  
 Soldiers of Odin (Statewide, Missouri)  
 Soldiers of Odin (Statewide, North Carolina)  
 Soldiers of Odin (Statewide, North Dakota)  
 Soldiers of Odin (Statewide, South Carolina)  
 Soldiers of Odin (Statewide, Texas)  
 Southeast Michigan Tea Party (Utica, Michigan)  
 Sunshine on Government (SONG) Alliance (Newton, Georgia)  
 The Shoebat Foundation (Newtown, Pennsylvania)  
 The Straight Way and More (Venice, Florida)  
 The United West (Lake Worth, Florida)  
 Truth in Love Project (Chattaroy, Washington)  
 Truth in Textbooks (Boerne, Texas)  
 Unconstrained Analytics (Washington, District of Columbia)  
 Understanding the Threat (Dallas, Texas)  
 Virginia Christian Alliance (Henrico, Virginia)

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	<b>Lieutenant General William G. "Jerry" Boykin (Ret.)</b> Washington, D.C.	
	<b>Pamela Geller</b> New York, New York	* * *
	<b>Frank Gaffney Jr.</b> Leesburg, VA.	* * *
<a href="#">See All Associated Extremist Profiles</a> ➔		* * *

ASSOCIATED EXTREMIST GROUPS

	<b>ACT for America</b>	SPLC DESIGNATED HATE GROUP	
	<b>Center for Security Policy</b>	Washington, D.C.	* * *
	<b>Family Security Matters</b>	Washington, D.C.	* * *
			* * *